

### Judge Robb, cont.

the Indiana State Bar Foundation and a Senior Distinguished Fellow of the Indianapolis Bar Foundation. She is a frequent speaker on legal topics for attorneys, other judges, and professional, civic and community organizations.

Judge Robb was Founding Chair of Governor Bowen's Commission on the Status of Women; was a recipient of a 1993 Indiana State Bar Association's "Celebrating 100 Years of Women in the Legal Profession" award; the 2001 Maynard K. Hine distinguished alumni award given in recognition of support and service to IUPUI and Indiana University; the 2004 Bernadette Perham "Indiana Women of Achievement" Award, bestowed by Ball State University to honor of one of their outstanding professors; the 2005 Indiana State Bar Association's Women in the Law Recognition Award; the 2006 Tippecanoe County YWCA Salute to Women "Women of Distinction" Award; the 2007 Warren G. Harding High School, Warren, Ohio, Distinguished Alumni Award; the 2010 Indiana University Alumni Association President's Award, a 2010 Indiana Lawyer Distinguished Barrister Award, the 2011 Indianapolis Bar Association Women and the Law Committee's Antoinette Dakin Leach Award and the 2011 David Hamacher Award from the Appellate Practice Section of the Indiana State Bar Association.

Judge Robb chairs the Supreme Court Task Force on Family Courts and is involved in several projects to benefit the Indiana legal system. She also chaired the Supreme Court task force for the development of Trial Court Local Rules, has also served as a member of the Indiana Board of Law Examiners, the Governance Committee of the Supreme Court IOLTA (Interest on Lawyer Trust Account) Committee; the Federal Advisory Committee on Local Rules for the Federal Court for the Northern District of Indiana; and the Federal Advisory Committee for the Expediting of Federal Litigation.

Judge Robb authored "Reflections of Baseball, Life and the Law" in the Indiana State Bar Association's journal, *Res Gestae* and "Running Bases, Winning Cases: Why the Grand Old Game of Baseball is like the legal profession" in the ABA's journal. She also authored a chapter on Supreme Court Justice Leonard Hackney in, *Indiana Supreme Court Justices*, and co-authored a

chapter, "From Juvenile Courts to Family Courts," in *Essays on Indiana Legal History*.

In addition, she serves on the ABA Committee that accredits law schools and chaired the 2010 ABA's Appellate Judges Council-Appellate Judges Education Institute's national Summit for Judges, lawyers and Staff attorneys. Judge Robb is an elected member of the American Law Institute (ALI).

Judge Robb was retained on the Court of Appeals in 2000 and 2010, is married to a professor at Purdue University. Their son, a graduate of the United States Naval Academy, is a lieutenant commander on active duty in the United States Navy.

### Judge Altice, cont.

sion of the Marion Superior Court in 2013 and was appointed chair of the Marion Court Civil Term in January 2015. Throughout his judicial career, Judge Altice has held leadership roles in organizations that improve the administration of justice.

He accepted special assignments from the Indiana Supreme Court on the Judicial Performance Task Force and the Cameras in the Courtroom project, which allowed cameras in certain courtrooms under limited conditions.

The Duval Work Release Center was built and opened during his tenure on the Marion County Community Corrections Advisory Board.

Judge Altice is a member of the Indiana Judges Association, the Indiana State Bar Association, and the Indianapolis Bar Association. In April 2015, Judge Altice was appointed to serve on an ad hoc Indiana Tax Court Advisory Task Force.

His community activities include prior service on the Board of Directors of these organizations: Indianapolis Police Athletic League; the Martin Luther King Community Development Corp.; and Coburn Place Safe Haven, a transitional housing facility for domestic abuse victims.

He has presented on legal and ethical issues for the Indiana Continuing Legal Education Forum, the Indiana Judicial Center, and various Indiana bar associations. In his spare time, he enjoys gardening, golf and reading.

He and his wife, Kris, who is also an attorney, have two adult children.



Indiana doesn't have a lot of 200-year-old buildings, but Hoosiers are fortunate that the first state capitol is one of them.

The simple limestone structure, completed in 1816, is the heart of the Corydon Historic District in Harrison County, as listed on the National Register of Historic Places. Corydon served as the seat of Harrison County government, as territorial capital of the Indiana Territory, and as Indiana's first state capital, from 1816-1825.

Those successive roles followed European settlement of the Northwest Territory, from which the Indiana Territory was carved in 1800.

The capitol building was under construction as the territory prepared for statehood. Among other things, that process involved a formal petition to Congress, adoption of a state constitution, and a minimum population of 60,000.

Territorial delegates crafted Indiana's first Constitution on the site in June 1816, and the first General Assembly convened in the Federal-style building in November 1816. Congress approved Indiana's status as the 19<sup>th</sup> state on Dec. 11, 1816.

Corydon wasn't new to capital status, having succeeded Vincennes as the territorial capital in 1813. Nor was its status long to last, as the capital was relocated to Indianapolis in 1825, reflecting the population's expansion into lands taken by treaty and war from Native Americans.

But the capitol building remains as a historic site and museum, and Corydon remains the county seat of Harrison County.

## SYNOPSIS

On July 11, 2013, Officer Gregory Hosterman of the Evansville Police Department was dispatched to an apartment to investigate a report of a burglary. When Officer Hosterman arrived, he found the front door of the apartment partially open. In addition, the first-floor window adjacent to the front door was broken. Officer Hosterman requested assistance to conduct a protective sweep of the residence. Once additional officers arrived, Officer Hosterman entered the residence, which appeared "ransacked." Large pieces of furniture were flipped over, the kitchen cabinets were open and clothes were strewn everywhere. The officers found no one inside but suspected a burglary had occurred. Officer Hosterman noticed an odor of burnt marijuana.

Officer Hosterman exited the residence and requested a crime scene detective to take photographs. Detective Todd Lincoln arrived shortly thereafter and began processing the scene. While photographing the interior of the residence, Detective Lincoln discovered two baggies of suspected narcotics inside a large vase. The vase did not appear to be damaged, but Detective Lincoln was curious about a metal rod protruding from it. Using the zoom function on his camera, Detective Lincoln stood directly over the vase to photograph the inside of it. The photograph shows two baggies at the bottom of the vase – one containing multicolored pills and another containing a white powder.

Detective Lincoln exited the residence to inform Officer Hosterman of his discovery. Both officers re-entered the residence to look inside the vase. Officer Hosterman concluded the baggies likely contained narcotics and subsequently obtained a search warrant for the residence based upon the odor of burnt marijuana inside the residence and the baggies of suspected narcotics inside the vase. During the search of the residence pursuant to the search warrant, the police seized 34 pills that field-tested positive for MDMA (also known as "ecstasy"), approximately 10 grams of an unknown white powder,

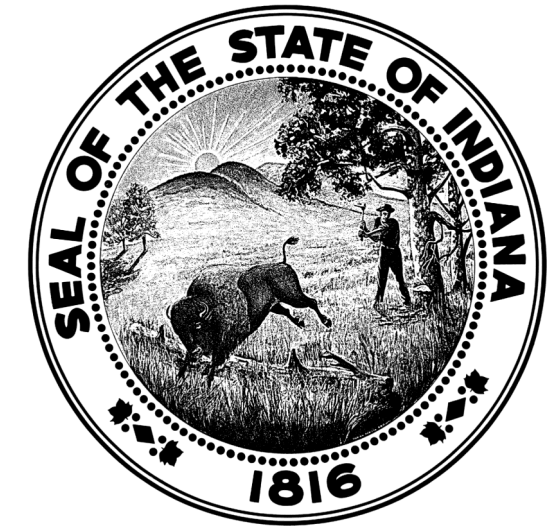
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## Court of Appeals of Indiana

*Hearing oral argument at*

**DePauw University**

***Thursday, March 31, 2016 @ 10 a.m.***



***Ogburn v. State***

**82A01-1509-CR-1546**

***On Appeal from Vanderburgh Circuit Court***

***The Honorable Kelli E. Fink, Magistrate***

**Indiana Bicentennial 1816-2016**



Synopsis, cont.

and a key fob for a vehicle.

The police pressed a button on the key fob to determine if it belonged to a vehicle in the parking lot. A 2001 Chevrolet Tahoe parked approximately 25 feet from the building beeped. The police called for a K-9 unit to walk the perimeter of the Tahoe. After the dog alerted the presence of narcotics, the police obtained a search warrant for the vehicle. Inside the vehicle they discovered two bundles of marijuana weighing over 20 pounds each.

The State charged Ogburn with dealing in a controlled substance, dealing in marijuana, and maintaining a common nuisance. Prior to trial, Ogburn filed a motion to suppress, which the trial court granted in part, ruling “any evidence first observed during the second entry into the home, including the alleged controlled substances found in the urn or vase, is ordered suppressed. Any other evidence found during the search of the residence is not suppressed.” Ogburn filed a second motion to suppress, requesting the trial court also suppress the evidence seized from the Tahoe. The trial court denied the motion.

Following a jury trial, Ogburn was convicted of possession of marijuana with intent to deliver, in an amount greater than 10 pounds, a Class C felony. Ogburn now appeals his conviction, arguing (1) the marijuana discovered in the Tahoe was fruit of the poisonous tree; and (2) the evidence was insufficient to support his conviction for possession of marijuana with intent to deliver as a Class C felony because the State failed to lay an adequate evidentiary foundation for the weight of the marijuana.



**The Putnam County Courthouse, completed in 1905, is the last of three known courthouses in the county. A fourth is presumed, but no county records exist from 1822-1828, when that courthouse would have stood.**

**Only two U.S. locations display a WW II V-1 rocket: the current Courthouse and the Smithsonian Institution.**

*- Source: Allen County Public Library Genealogy Center*

Attorneys for the Parties

For the Appellant

**Matthew J. McGovern** graduated from the University of Evansville in 1994 and Notre Dame Law School in 1998. Mr. McGovern was on the Notre Dame Moot Court Team and was one of four students to deliver the 1998 Notre Dame Showcase Argument. While at Notre Dame, he was awarded the A. Harold Weber Moot Court Award, the Dean’s Award for Outstanding Scholarship in Jurisprudence, and the George and Claudine Pletcher Senior Scholarship Award.

After graduation, he clerked for Judge Margret G. Robb of the Court of Appeals of Indiana from July 1998 through August 1999 and was thereafter first deputy prosecutor for Floyd County, IN, through December 2000.

Since 2001, Mr. McGovern has been a solo practitioner of an appellate and consultation practice. He handles both criminal and civil appeals in the Court of Appeals and Indiana Supreme Court.

His clients have included Indiana cities and towns, personal injury and family law attorneys, criminal defendants, and other private litigants. He has delivered several oral arguments before both the Indiana Supreme Court and the Court of Appeals. Additionally, he offers research and writing consultation services for personal injury and other attorneys.

For the Appellee

**Eric P. Babbs** has been employed with the Office of the Indiana Attorney General since 2011 as a Deputy Attorney General in the Criminal Appeals Section. Mr. Babbs was born and raised in West Lafayette, IN and graduated from Yale University in 2005, majoring in History.

He earned his law degree from Notre Dame Law School in 2008, where he was a member of the Appellate Moot Court Board and the Notre Dame Journal of Law, Ethics, & Public Policy.

After graduating from law school and being admitted to practice law in Indiana, Mr. Babbs worked as a judicial law clerk at the Court of Appeals of Indiana for two years.

Mr. Babbs resides in Carmel with his wife and their three children.

Today’s Panel of Judges



**The Honorable  
Terry A. Crone**

**St. Joseph County**

**Terry A. Crone** was appointed to the Court of Appeals March 8, 2004 by Governor Joseph E. Kernan. Judge Crone was raised in South Bend. He graduated cum laude from DePauw University with a double major in political science and history in 1974 and graduated from Notre Dame Law School in 1977.

Judge Crone practiced law for nine years, concentrating in areas of civil practice, and served as the St. Joseph County Attorney from 1981 to 1986. In 1986, he was appointed Magistrate of the St. Joseph Circuit Court, where he served until his appointment as Judge of the St. Joseph Circuit Court in 1989.

Judge Crone is a past President of the St. Joseph County Bar Association and a former member of the Board of Managers of the Indiana Judges Association, the Supreme Court Committee on Character and Fitness, and the Alternative Dispute Resolution Committee of the Indiana Judicial Conference.

Judge Crone is a past Chair of the Appellate Practice Section of the Indiana State Bar Association and is a member of the St. Joseph County, Indianapolis, Marion County, Indiana State and American Bar Associations, the American Judicature Society, and the Phi Delta Phi Honorary Legal Society.

Judge Crone is a frequent speaker at legal education programs. He helped found a program in South Bend to familiarize minority high school students with the law and related fields and was a founding member of the South Bend Commission on the Status of African-American Males and the St. Joseph County Coalition Against Drugs.

As Circuit Court judge, he also initiated the first Spanish-speaking program for public defenders in St. Joseph County.

Judge Crone was retained on the Court by election in 2006. He is married and has three daughters.



**The Honorable  
Margret G. Robb**

**Tippecanoe  
County**

**Margret G. Robb** was appointed to the Court of Appeals of Indiana in July 1998 by Governor Frank O’Bannon. She holds a B.S. and an M.S. in Business Economics from Purdue University, a Magna Cum Laude J.D. from Indiana University Robert H. McKinney School of Law and is a graduate of the Graduate Program for Indiana Judges. In 2011 she began a three year term as chief judge; the first woman to hold that position in the Court’s more than 100 year history.

Prior to her appointment to the Court, Judge Robb was, for 20 years, engaged in the general practice of law in Lafayette, and served as a Chapter 11, 12 and a standing Chapter 7 Bankruptcy trustee for the Northern District of Indiana. She was a registered family and civil mediator and served as a Tippecanoe County Deputy Public Defender.

She has been an officer of the Indiana State Bar Association, the Fellows of the Indiana State Bar Foundation, Tippecanoe County Bar Association, National Association of Women Judges, the Indiana University School of Law- Indianapolis Alumni Association and the Bankruptcy Section of the Indiana State Bar Association.

She has also been a Board member of the Appellate Judges Council of the American Bar Association, the Indianapolis Bar Association, the Indianapolis Bar Foundation, the Senior Council Section of the Indianapolis Bar Association, the Appellate Practice Section of the Indiana State Bar Association and the Appellate Judges Education Institute.

She was the moderator for the 2005-2006 and Chair for the 2006-2007 Indianapolis Bar Association’s Bar Leader Series, and is a member of the American Bar Foundation, American Judicature Society, a Master Fellow of

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**The Honorable  
Robert R. Altice, Jr.**

**Marion County**

**Robert R. Altice, Jr.**, was appointed to the Court of Appeals by Gov. Mike Pence and began his service on Sept. 2, 2015.

Judge Altice earned his undergraduate degree from Miami University, Oxford, OH, a master’s degree in criminal justice administration from the University of Central Missouri, and his law degree from the University of Missouri-Kansas City School of Law.

Judge Altice began his career handling felony cases as a deputy prosecutor in Jackson County, MO, before being promoted to Chief Deputy Prosecutor for the Drug Unit. He then practiced with a Kansas City civil law firm, focusing on medical malpractice defense. After moving to Indianapolis, he concentrated on insurance defense in private practice.

Judge Altice returned to prosecution in 1994, handling a major felony caseload as a deputy prosecutor for the Marion County Prosecutor’s Office. He served as Chief of the Felony Division from 1997-2000, trying more than 100 major felony jury trials, including 25 murder cases. While serving briefly as the Office’s Chief Counsel, he helped amend Indiana laws on domestic battery and possession of firearms by violent felons.

Judge Altice was elected to the Marion County bench in 2000. As judge of Marion Superior Court, Criminal Division 2 from 2001-2012, he presided at 250 major felony jury trials, including 75 murder trials (seven death penalty trials).

Judge Altice also served as chair of the Marion Superior Court Criminal Term from 2005-2007, as a member of the Executive Committee for the Marion Superior Court from 2007-2009, and as Presiding Judge of the Marion Superior Court from 2009 to 2011.

Judge Altice moved to the civil divi-

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